IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 757 of 2005(M)

PETITIONER:

K.G.APPUKUTTAN,
SALES ASSISTANT, KERALA STATE COIR CORPORATION LTD.,
ALAPPUZHA.

BY ADV. SRI.THAMPAN THOMAS.

RESPONDENTS:
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1. **KERALA STATE COIR CORPORATION LTD.,**
   P.B.NO.191, FACTORY ROAD, ALAPPUZHA-1,
   REP. BY ITS MANAGING DIRECTOR.

2. **THE CHAIRMAN,**
   KERALA STATE COIR CORPORATION LIMITED,
   P.B.NO.191, FACTORY ROAD, ALAPPUZHA-1.

3. **THE MANAGING DIRECTOR,**
   KERALA STATE COIR CORPORATION LIMITED,
   P.B.NO.191, FACTORY ROAD, ALAPPUZHA-1.

4. **ADDITONAL SECRETARY,**
   INDUSTRIES (E) DEPARTMENT, TRIVANDRUM.

5. **SHRI SAM C.ITTICHERIYA (FORMER MANAGING-**
   DIRECTOR, KERALA STATE COIR CORPORATION LTD.),
   GENERAL MANAGER, INDUSTRIES DEPARTMENT, IDUKKI.

BY ADV. SMT.P.DEEPTHI FOR R1 TO R3
SRI.PAUL MATHEW (PERUMPILLIL) FOR R5,
SRI.ANIL GEORGE,
GOVT. PLEADER SRI. P. NANDAKUMAR FOR R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.757/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE EXTRACT OF SERVICE RULES OF THE CORPORATION.

EXT.P.2: COPY OF THE EXTRACT OF THE STANDING ORDERS OF THE CORPORATION.

EXT.P.3: COPY OF THE MESSAGE OF THE MANAGING DIRECTOR TO ENTER INTO TRANSACTION WITH BISMILLAH COIR MART DTD. 20/11/2000.

EXT.P.4: COPY OF THE EXTRACT OF LEDGER SHOWING THE ACCOUNTS OF BISMILLAH COIR MART IN THE CORPORATIONS ACCOUNT DTD. 01/03/2000 TO 10/09/2001.

EXT.P.5: COPY OF THE LETTER OF THE BISMILLAH COIR MART TO THE MANAGING DIRECTOR SHOWING THE DETAILS HIS BUSINESS DEALS DTD. 19/06/2001.

EXT.P.6: COPY OF THE ORDER OF ENQUIRY BY THE MANAGING DIRECTOR DTD. 13/07/2001.

EXT.P.7: COPY OF THE REPLY OF THE PETITIONER DTD. 24/03/2004.

EXT.P.8: COPY OF THE ORDER OF THE SUSPENSION DTD. 05/01/2005.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.757 of 2005-M

Dated this the 30th day of May, 2007

J U D G M E N T

The petitioner, an employee of the first respondent Corporation challenges Ext. P8 order suspending him from service, pending final orders in a disciplinary proceedings. During the pendency of the writ petition, final orders were passed imposing penalty of recovery of the loss suffered by the Corporation from the petitioner and also treating the period of suspension as leave without allowance. So, the challenge against Ext.P8 has become practically infructuous. Further, this Court can interfere with a suspension order, if only it is issued by a person without jurisdiction, or the allegations based on which the suspension is made, even if taken to be true do not disclose any misconduct. The petitioner's case does not come under the above category. Accordingly, the Writ Petition is dismissed, without prejudice to the right of the petitioner to pursue his challenge against the final orders, in the disciplinary proceedings.

K.BALAKRISHNAN NAIR, JUDGE.

MS